

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

V.

HENRI SALVADOR GUTIERREZ,
Joined by
ELISEO VAQUERANO CANAS (#3),
JONATHAN TERCERO YANES (#4)

Criminal No. 18-10450-MLW

DEFENDANTS' MOTION TO EXTEND DEADLINE
(WITHOUT GOVERNMENT OPPOSITION)

Now comes HENRI SALVADOR GUTIERREZ and says that since this Court's directive of May 18, 2020 undersigned has met and discussed the status of the above-captioned case in person with Mr. Gutierrez and has additionally been in regular communication with the attorney for the government on the somewhat intertwined issues of further voluntary production by the government of additional discovery material (early Jencks material) and defendant requested discovery¹ (CW-13's nonprivileged telephone calls from the Middlesex House of Correction (sometimes Billerica House of Correction herein) during the period September 7, 2018 – November 1, 2018), as well as potential resolution of the case.

The government anticipates that its forthcoming discovery production will be made on or about June 17, 2020 and undersigned counsel has only last evening been provided with an English draft version of CW-13's handwritten notes of his "Billerica House of Correction interactions" with Mr. Gutierrez (which must be reviewed with the defendant).

¹ Undersigned understands that material containing some two hundred fifty (250) telephone calls has been received by the government provided by agreement to Deborah Huacuja, a certified Spanish interpreter, to review and cull the wheat from the chaff. Ms. Huacuja's fee requirements for these interpreter services have been provided to Michael Andrews, Esq. for review.

Discussion on the issues mandated by the Court in Docket #181 have been productive and helpful both to counsel and to the defendant to understand and evaluate the merits of the case involving Mr. Gutierrez. While fruitful they have been preliminary in nature but are and will be ongoing.

Motions to dismiss the Indictment (and an ancillary motion to strike surplusage from the Indictment) have been already filed by the defendant, opposed by the government and replied to by the defendant. The government may move for additional time to surreply to the reply to the motion to dismiss to which extension of time the defendant assents in principle, if in fact requested.

An enlargement of time relief from the schedule set by the Court in Docket #181 regarding filing of motions to suppress is requested for the following reasons:

1. Further discussion of the evolving case issues with the defendant is required.
2. Those discussions will be informed by the new (not yet received discovery) and the recently received but yet reviewed with defendant, handwritten CW-13 notes.
3. The language barrier, necessitates use of interpreters and their limited availability to attend at Wyatt Detention facility makes the filing of well informed and well pled motions on the schedule set by the court impractical despite concerted effort by counsel to comply.
4. In addition, the pandemic has spawned its own “host of devils” and tasks take longer due to office staff reductions and a marked increase in the number of “emergency” matters requiring triage or a more extensive response from the undersigned.
5. Undersigned counsel and government counsel have been working cooperatively although slowed by the Covid-19 closure.

6. Defendants Eliseo Vaquerano Canas (#3) and Jonathan Tercero Yanes (#4) join in this motion and its request for enlargement of deadlines currently established.

WHEREFORE, an extension of time² to file motions to suppress evidence until July 16, 2020 is requested with government response due by August 17, 2020 and reply by September 1, 2020. Motion hearing to be then set by the Court.

Respectfully submitted,

HENRI SALVADOR GUTIERREZ,
By his attorney,

/s/ George F. Gormley
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Dated: June 3, 2020

CERTIFICATE OF SERVICE

I, George F. Gormley, certify that I understand that all counsel will receive electronic notice of the electronic filing of this pleading.

/s/ George F. Gormley
George F. Gormley

² Undersigned also notes that a discovery schedule consistent with the dates in the request was entered today (Docket #201).